

#4



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
COOK, Jr., Koy B.)	
)	Examiner: UNKNOWN
Serial No.: 09/928,388)	
)	
Filed: 13 AUGUST 2001)	Art Unit: 2878
)	
For: RADIATION SENSING)	
INTEGRATED CIRCUIT)	

**37 C.F.R. § 1.137 PETITION FOR REVIVAL
OF UNINTENTIONALLY ABANDONED APPLICATION**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Honorable Commissioner:

Pursuant to 37 C.F.R. § 1.137, Applicant respectfully petitions for the revival of the above-referenced application that was unintentionally abandoned. The entire delay in filing the attached required reply from its due date to the date of its present submission was unintentional.

FACTUAL BACKGROUND

The present application was filed on 13 August 2001 in the name of Koy B. Cook, Jr. A Filing Receipt was mailed 01 October 2001. Attached thereto was a Notice to File Corrected Application Papers requiring substitute drawings. A two-month shortened period for reply to such notice was given. Such notice admittedly went unnoticed by Applicant's representative. As a result, the present application went abandoned on 01 April 2002.

09/23/2003 AWONDAF1 00000090 09928388

01 FC:2453

650.00 OP

RECEIVED

SEP 25 2003

OFFICE OF PETITIONS

While Applicant's representative's failure to reply led to such unintentional abandonment, the period between such abandonment and the present petition was exacerbated by the failure of the U.S. Patent and Trademark Office (USPTO) to forward to the Applicant a Notice of Abandonment. Per standard USPTO practice, a Notice of Abandonment is always forwarded seven months after the mailing date of the paper establishing a requirement for a response by Applicant. No such Notice of Abandonment was mailed or received by Applicant or his representative. As of the mailing date of the present petition, a Notice of Abandonment has not been received by Applicant or his representative. Further still, a review of the application's status by way of the PAIR system still fails to indicate the application as abandoned. A copy of the PAIR system's datalog for the present application as of the date of this petition is attached.

Per Applicant's representative's standard procedure, at the twelve-month anniversary of the filing of the present application, a status check of the application was made by Applicant. At that time the Examiner indicated that the Application was in the Office of Initial Patent Examination. No reference was made to the outstanding Notice to File Corrected Papers. The application had not yet gone abandoned. Again, per the standard procedure of the Applicant's representative, at approximately the twenty-four month anniversary of the filing of the present application, August 26, 2003, a second status check was made. It was not until this time that any indication was made to the Applicant's representative that the present application was abandoned. As a result of speaking with the Applicant, the present petition has been prepared and filed. The entirety of the delay in filing the attached reply to the Notice to File Corrected Papers from the due date for such reply until the filing of this petition was unintentional.

CONCLUSION

In view of the foregoing facts, Applicant respectfully petitions for the revival of the unintentionally abandoned application. Should additional information be required to aid in the revival of the present application, the Examiner is invited to telephone the undersigned at their convenience in order to permit early resolution of the same.

Respectfully submitted,

Lanier Ford Shaver & Payne P.C.

9-15-03
Date

Charles R. Ducker, Jr.
Charles R. Ducker, Jr.
Reg. No. 46,542

LANIER FORD SHAVER & PAYNE P.C.
Customer Number 021491
P.O. Box 2087
Huntsville, Alabama 35804-2087
Phone: (256) 535-1100
Fax: (256) 533-9322



021491

PATENT TRADEMARK OFFICE

Certificate of Mailing under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope address to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 15, 2003.

Charles R. Ducker, Jr.
Signature

Charles R. Ducker, Jr.
Printed Name of Person Signing Certificate